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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY  
DOCKET NO.

In the Matter of the Suspension)  
or Revocation of the License of )

ANTHONY V. AMMIRATA, D.D.S. )

To Practice Dentistry in the )  
State of New Jersey )

Administrative Action

PARTIAL DECISION AND  
FINAL ORDER CONCERNING  
COUNTS I, II AND III

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the filing of an administrative complaint on February 5, 1992, by Robert J. Del Tufo, Attorney General of New Jersey, by Anne Marie Kelly, Deputy Attorney General, alleging in Count I that the respondent had completed only 303 hours of the 450 hours of continuing education required for the 1988-1989 academic year as set forth in a Consent Order entered into by the respondent with the Board of Dentistry on May 4, 1988. Counts II and III further alleged that the respondent failed to complete the required 450 hours of continuing education courses for the 1989-1990 and 1990-1991 academic years, respectively. Complainant alleged that respondent's failure to complete the continuing education as required by the Board's order constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e). Count IV of the complaint (the only remaining count) alleged that respondent's rendering of dental treatment to a patient was performed by acts and practices which were repeatedly and/or grossly negligent and at variance from

acceptable standards of care in violation of N.J.S.A. 45:1-21(c) and (d). This count was transferred by the Board to the Office of Administrative Law for a hearing. On or about April 30, 1992 respondent filed an answer to the complaint.

A plenary hearing in this matter was held on June 10, 1992 and continued on June 17, 1992. Deputy Attorney General Anne Marie Kelly appeared on behalf of the complainant; respondent did not appear. The following exhibits were admitted into evidence:

- S-1 Administrative complaint filed with the Board of Dentistry on April 26, 1985, captioned In the Matter of the Suspension or Revocation of the License of Anthony V. Ammirata, D.D.S. to Practice Dentistry in the State of New Jersey.
- S-2 Administrative complaint filed with the Board of Dentistry on June 9, 1987, captioned In the Matter of the Suspension or Revocation of the License of Anthony V. Ammirata, D.D.S. to Practice Dentistry in the State of New Jersey.
- S-3 Consent Order filed with the Board of Dentistry on May 5, 1988, captioned In the Matter of the Suspension or Revocation of the License of Anthony V. Ammirata, D.D.S. to Practice Dentistry in the State of New Jersey.
- S-4 Affidavit of Service dated June 9, 1992 and signed by Michael Mahasky, Special Investigator, Division of Consumer Affairs Enforcement Bureau, attesting that the Order Permitting Withdrawal of Counsel was personally served on the respondent on May 22, 1992. Attached to the Affidavit of Service is a copy of the Order bearing the signature of the respondent acknowledging receipt.
- S-5 Letter dated January 16, 1989, from A. Milton Bell, D.D.S. to Anthony Ammirata, D.D.S. concerning authenticated evidence of attendance at approved continuing education courses.

- S-6 Letter dated April 17, 1989, from A. Milton Bell, D.D.S. to Dr. Anthony Ammirata concerning the protocol for approval of continuing education courses.
- S-7 Letter dated April 20, 1989, from A. Milton Bell, D.D.S. to Dr. Anthony Ammirata concerning the respondent's continuing failure to follow the protocol required in order to receive credit for continuing education courses.
- S-8 to S-25 Various slips and receipts purporting to be evidence of attendance at continuing education courses but containing no identifying information concerning the course name, date of course, or instructor.
- S-26 Letter dated October 10, 1989, from Robert R. Moutrie, Ph.D., University of Medicine and Dentistry of New Jersey, stating that Dr. Anthony Ammirata attended a course on October 11, 1989.
- S-27 Letter dated May 5, 1990, from Robert R. Moutrie, Ph.D., University of Medicine and Dentistry of New Jersey, stating that Dr. Anthony Ammirata attended a continuing education course on May 5, 1990.
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- S-33 A Certificate from the University of Pennsylvania School of Dental Medicine certifying that Anthony Ammirata completed a continuing education course on December 13, 1989.
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- S-35 Letter dated October 1, 1990, from A. Milton Bell, D.D.S. to Dr. Anthony Ammirata concerning the respondent's failure to obtain advance approval for continuing education courses.
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- S-37 Affidavit of Jean E. Murphy, Supervising Investigator, Division of Consumer Affairs Enforcement Bureau, attesting that she telephoned Dr. Ammirata on June 10, 1992, employing a fictitious name, spoke to an individual who identified himself as Dr. Ammirata and agreed to see her on the same date for a dental appointment.

The Board also took notice of and included in the record the Motion to Withdraw as Counsel filed with the Board on May 6, 1992, and accompanying certification of Jeffrey P. Blumstein, Esq., dated May 9, 1992; the letter brief dated January 31, 1992, filed by D.A.G. Anne Marie Kelly; and a prior Board of Dentistry

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On June 10, 1992, D.A.G. Anne Marie Kelly, was permitted to proceed with the complainant's case, especially in view of the fact that an expert witness was present and prepared to testify. Accordingly, D.A.G. Kelly presented the testimony of A. Milton Bell, D.D.S. Dr. Bell is a licensed dentist practicing in the State of New Jersey, and he is also an instructor of prosthodontics and an Assistant Dean at the New York University

College of Dentistry. Dr. Bell was offered and accepted by the Board as an expert in general dentistry and prosthodontics. Dr. Bell testified that pursuant to the Consent Order entered on May 5, 1988, between the Board of Dentistry and the respondent, he was appointed by the Board to monitor Dr. Ammirata's dental practice. Part of his responsibilities as a monitor was to review continuing education courses for prior approval and to obtain proof of attendance for those courses successfully completed by the respondent. It was Dr. Bell's understanding that prior to his appointment as a monitor in December 1988, the Board had approved courses entitled "Effective Management of Dental Insurance" (7 hours), "Concepts of Bonding" (7 hours), and a one day per week program in "Fixed and Removable Prosthodontics" at New York University (230 hours). In addition to the correspondence between Dr. Bell and Dr. Ammirata which was admitted into evidence, Dr. Bell stressed that in his contacts with Dr. Ammirata he continually stressed the necessity of proper compliance with the terms and conditions of the Consent Order which required that Dr. Ammirata obtain prior approval for continuing education courses and that upon approval, he was required to provide proof of successful completion of the courses. According to Dr. Bell, the respondent continuously failed to comply with the protocol set forth in the Consent Order.

The only additional courses for which Dr. Ammirata obtained approval were those set forth in his letter dated January 16, 1989 (S-5). By his calculations, Dr. Bell testified that the respondent completed only 303 hours of continuing education of the 450 hours required for 1989. Thereafter, Dr. Ammirata submitted no courses for approval for 1990 or subsequent years.

Dr. Bell also testified that he continuously requested from Dr. Ammirata cancelled checks as proof of attendance at courses, but these were never provided to him. He also specifically discussed with Dr. Ammirata the necessity of providing identifying information in regard to courses including the date of the course, the provider of the course, and instructor for the course in order to obtain credit for attendance.

Subsequent to Dr. Bell's testimony, the Board entered an Interim Order on June 10, 1992, continuing the plenary hearing in this matter to June 17, 1992, at which time Dr. Ammirata would be permitted to present a defense to the allegations in the complaint. The Order further provided that the Board would proceed with the case and make a decision in the event Dr. Ammirata failed to appear.

When the respondent failed to appear on June 17, 1992, or make any contact with the Board or with D.A.G. Kelly, the Board proceeded at 10:45 a.m. for the hearing which was scheduled for 9:00 a.m. D.A.G. Kelly moved before the Board for a judgment in default based on the respondent's failure to appear or respond in

spite of having received adequate notice. The Board conducted its deliberations in executive session on June 17, 1992 and announced its decision in public session on that same date. This Order memorializes the Board's decision as announced in public session.

In consideration of the record herein, the Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent Anthony V. Ammirata, D.D.S. with an office address at 11 Gordon Avenue, Lawrenceville, New Jersey 08648, license No. 7824, is a licensed dentist in the State of New Jersey and has been a licensee of the Board of Dentistry during all times pertinent hereto.

2. On December 5, 1980, the Board of Dentistry entered a Final Decision and Order against Dr. Ammirata setting forth a plea of no contest to the charges of an administrative complaint alleging repeated and gross malpractice in the practice of dentistry by making improper diagnoses of TMJ arthritis and unnecessarily prescribing long and costly treatment therefor and rendering restorative dental treatment which was not performed according to acceptable dental standards and also alleging a lack of good moral character as evidenced by his charging of unconscionable and excessive fees for treatment of patients and for attempts to collect fees for treatment not required and not rendered. The Order provided that Dr. Ammirata's license was to



be suspended for a period of one year, 30 days of which was an active period of suspension and the remainder probationary.

In addition, the respondent was enjoined from treating TMJ patients until he completed a residency program in prosthodontics or periodontics, and he was assessed a civil penalty in the amount of \$10,000.00.

3. On April 26, 1985, an administrative complaint was filed by the Attorney General of New Jersey with the Board of Dentistry against the respondent alleging in Count I repeated and/or gross acts of negligence and malpractice in regard to dental treatment and in Count II treating patients for TMJ disorders without having completed the required residency course in violation of the December 5, 1980 Order.

4. On June 9, 1987, an administrative complaint was filed by the Attorney General of New Jersey with the Board of Dentistry against the respondent alleging in 18 counts multiple acts of gross or simple malpractice as well as fraud and professional misconduct in connection with dental treatment and insurance claims for such treatment.

5. On May 4, 1988, the respondent entered into a Consent Order with the Board of Dentistry which resolved the aforementioned administrative complaints. Paragraph 1(a) of the Consent Order required Dr. Ammirata for a period of five years to complete 450 hours of continuing education in such areas of dental practice to be determined by the Board each year at the

rate of at least 2 days per week and not less than a minimum average of 10 hours per week. Such courses were to be approved by the Board prior to enrollment. The respondent further was required to obtain documentation of his satisfactory attendance at and completion of such courses to be provided to the Board at the end of each month within which the course was completed.

6. The Order of May 4, 1988, further provided in paragraph 10 that in the event the respondent was found to have violated any of the provisions of the Consent Order, his license to practice dentistry in the State of New Jersey would be revoked.

7. On or about February 5, 1992, an Order to Show Cause was signed by William R. Cinotti, D.D.S., President of the Board of Dentistry, ordering the respondent to show cause on April 15, 1992 why the Board should not enter an Order suspending his license pending a final hearing based on the allegations of the Verified Complaint and attachments which are the subject of this Order.

8. On April 15, 1992, respondent appeared with counsel, Jeffrey P. Blumstein, Esq. The Board determined to bifurcate the allegations of the complaint, retaining Counts I, II and III for a hearing before the Board and transferring Count IV for a hearing at the Office of Administrative Law. The Board entered an Order on the record establishing June 10, 1992 as the date for the plenary hearing on Counts I, II and III. The Board further established with counsel a schedule of discovery and any pre-

trial motions. Shortly thereafter, an answer was filed by Mr. Blumstein on behalf of Dr. Ammirata.

9. On May 6, 1992, a Motion to Withdraw as Counsel was filed by Jeffrey P. Blumstein, Esq. requesting the Board to enter an Order granting leave to Mr. Blumstein to withdraw as counsel for Dr. Ammirata. Said motion was supported by a certification by Mr. Blumstein in which he asserted that in spite of correspondence and repeated phone calls to Dr. Ammirata requesting a meeting in order to prepare for the plenary hearing, Dr. Ammirata failed to contact Mr. Blumstein to discuss the matter. The certification further sets forth the chronology of Mr. Blumstein's repeated efforts including telephone messages which were left for Dr. Ammirata. Finally, Mr. Blumstein advised the Board that he was of the opinion that as a result of the non-cooperation of the respondent to assist in his defense, he could not provide adequate representation.

10. On May 20, 1992, the Board entered an Order permitting withdrawal of counsel and further ordering that the plenary hearing regarding Counts I, II and III of the complaint as scheduled on June 10, 1992, at 9:00 a.m. before the Board of Dentistry would take place without further adjournment and that Dr. Ammirata's further failure to obtain counsel would not be cause for adjournment of the hearing.

11. On May 22, 1992, Dr. Ammirata was personally served with a copy of the Order permitting withdrawal of counsel and

setting forth the hearing date.

12. On June 10, 1992, Dr. Ammirata failed to appear for the plenary hearing. The Board office received a telephone call from a physician stating that Dr. Ammirata was too ill to attend. Written confirmation was requested but was never received. After hearing the complainant's case, the Board entered an Interim Order on June 10, 1992, ordering a certification from the physician expressing his medical opinion that Dr. Ammirata was not fit to attend the hearing and continuing the hearing until June 17, 1992, at 9:00 a.m. before the Board to permit Dr. Ammirata to enter a defense to the allegations of the complaint. The Order further provided that a final decision would be rendered on June 17, 1992, if Dr. Ammirata failed to appear.

13. On June 10, 1992, Jean E. Murphy, Supervising Investigator, Division of Consumer Affairs Enforcement Bureau, made a telephone call to the office of Dr. Ammirata utilizing a fictitious name and was able to make an appointment for dental treatment on that same date.

14. On June 11, 1992, Dr. Ammirata was personally served with a copy of the Board's Interim Order.

15. Dr. Ammirata has completed only 303 hours of the 450 hours of continuing education for the 1988-1989 academic year required by the Consent Order entered into by Dr. Ammirata on May 4, 1988. Respondent further failed to complete any continuing education courses for the 1989-1990 and 1990-1991 academic years.

### CONCLUSIONS OF LAW

1. Dr. Ammirata received sufficient notice of the charges against him and was afforded every possible opportunity to be heard on those charges.

2. Respondent's failure to complete the continuing education ordered for the 1988-1989 academic year as required by the Board's Order of May 4, 1988 constitutes professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

3. Respondent's failure to complete the continuing education prescribed for the 1989-1990 academic year as required by the Board's Order further constitutes professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

4. Respondent's failure to complete the continuing education prescribed for the 1990-1991 academic year as required by the Board's Order further constitutes professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

### DISCUSSION

As competently demonstrated by the testimony and the documents entered into evidence at the hearing in this matter, Dr. Ammirata has repeatedly and totally failed or refused to comply with the specific terms and conditions of the Consent Order which he signed which required him to successfully complete 450 hours of continuing education courses for each of 5 years. As a general rule, the Board of Dentistry will assess continuing education courses against those licensees who have demonstrated a

deficiency in competency in one or more areas of dentistry in amounts ranging anywhere from 7 hours to 40 hours of approved continuing education. It is clear from the history of Dr. Ammirata's appearances before the Board dating back to the Order entered on December 5, 1980, that the Board intended a massive re-education of Dr. Ammirata. The multiple patient complaints which have been received by this Board over the last 12 years showing repeated and gross negligence in all areas of dentistry persuade this Board that the respondent is not competent to remain in practice.

In spite of repeated efforts by the Board for remediation, Dr. Ammirata has refused to engage in re-education. His actions completely obstruct and frustrate the Board's ability to carry out its statutory duty to protect the public. His failure to comply with the Board's prior Orders evidence a pattern of neglect of his patients' health, safety and welfare. The Board infers further from Dr. Ammirata's failure to respond or appear in regard to the instant allegations that he has no explanation or excuse for his failure to comply with the Board's requirements.

The Board can neither countenance Dr. Ammirata's flouting of its regulatory authority nor ignore the harm or significant potential for harm to patients presented if Dr. Ammirata was permitted to remain in practice. Dr. Ammirata was well aware that the Order entered on May 4, 1988, provided that in the event

he failed to comply with the Order, the Board would revoke his license.

The Board is charged with the regulation of its licensees for the purpose of protecting the patients who seek dental services in this State. The requirement of the Order that respondent complete continuing education courses was based on the seriousness of the charges in the complaint and the Board's judgment that only such a massive program of re-education would provide respondent with the ability to continue treating dental patients. Consequently, and for the foregoing reasons,

IT IS ON THIS 27<sup>th</sup> DAY OF JUNE, 1992,

HEREBY ORDERED THAT:

1. A default be and is hereby entered against Anthony V. Ammirata, D.D.S.

2. The license of Anthony V. Ammirata, D.D.S. to practice dentistry in the State of New Jersey is hereby revoked effective July 22, 1992.

3. Dr. Ammirata shall remove and dispose of any and all dental equipment, appliances, tools, instruments, medications, or dental products which are in his possession at any location. He shall sell or dispose of all such items through a legitimate dealer in dental supplies or to a New Jersey licensed dentist. Dr. Ammirata shall submit to the Board bills of sale, receipts or other documentation verifying the disposal of all such items no later than 30 days subsequent to the effective date of the

revocation.

4. During the period of time in which respondent's dentistry license remains revoked, he shall not own or otherwise maintain a pecuniary or beneficial interest in a dental practice or function as a manager, proprietor, operator or conductor of a place where dental operations are performed, or otherwise practice dentistry within the meaning of N.J.S.A. 45:6-19.

5. The respondent shall surrender his wall certificate and dental license as well as his D.E.A. and C.D.S. registrations to a representative of the Enforcement Bureau immediately subsequent to the effective date of the revocation.

6. The Board may entertain an application from the respondent for reconsideration of the within Order for a period of 30 days from June 17, 1992, only upon a written proffer of a legitimate and valid defense to the allegations of the complaint. Upon receipt of such application for reconsideration, the Board may provide the respondent with an opportunity to be heard and present such defenses. No application for reconsideration will be considered after the 30 day period, and the revocation will become finally effective on July 22, 1992.



William R. Cinotti, D.D.S.  
President  
State Board of Dentistry



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Subsequent to Dr. Bell's testimony, the Board entered an Interim Order on June 10, 1992, continuing the plenary hearing in this matter to June 17, 1992, at which time Dr. Ammirata would be permitted to present a defense to the allegations in the complaint. The Order further provided that the Board would proceed with the case and make a decision in the event Dr. Ammirata failed to appear.

When the respondent failed to appear on June 17, 1992, or make any contact with the Board or with D.A.G. Kelly, the Board proceeded at 10:45 a.m. for the hearing which was scheduled for 9:00 a.m. D.A.G. Kelly moved before the Board for a judgment in default based on the respondent's failure to appear or respond in

spite of having received adequate notice. The Board conducted its deliberations in executive session on June 17, 1992 and announced its decision in public session on that same date. This Order memorializes the Board's decision as announced in public session.

In consideration of the record herein, the Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent Anthony V. Ammirata, D.D.S. with an office address at 11 Gordon Avenue, Lawrenceville, New Jersey 08648, license No. 7824, is a licensed dentist in the State of New Jersey and has been a licensee of the Board of Dentistry during all times pertinent hereto.

2. On December 5, 1980, the Board of Dentistry entered a Final Decision and Order against Dr. Ammirata setting forth a plea of no contest to the charges of an administrative complaint alleging repeated and gross malpractice in the practice of dentistry by making improper diagnoses of TMJ arthritis and unnecessarily prescribing long and costly treatment therefor and rendering restorative dental treatment which was not performed according to acceptable dental standards and also alleging a lack of good moral character as evidenced by his charging of unconscionable and excessive fees for treatment of patients and for attempts to collect fees for treatment not required and not rendered. The Order provided that Dr. Ammirata's license was to



be suspended for a period of one year, 30 days of which was an active period of suspension and the remainder probationary.

In addition, the respondent was enjoined from treating TMJ patients until he completed a residency program in prosthodontics or periodontics, and he was assessed a civil penalty in the amount of \$10,000.00.

3. On April 26, 1985, an administrative complaint was filed by the Attorney General of New Jersey with the Board of Dentistry against the respondent alleging in Count I repeated and/or gross acts of negligence and malpractice in regard to dental treatment and in Count II treating patients for TMJ disorders without having completed the required residency course in violation of the December 5, 1980 Order.

4. On June 9, 1987, an administrative complaint was filed by the Attorney General of New Jersey with the Board of Dentistry against the respondent alleging in 18 counts multiple acts of gross or simple malpractice as well as fraud and professional misconduct in connection with dental treatment and insurance claims for such treatment.

5. On May 4, 1988, the respondent entered into a Consent Order with the Board of Dentistry which resolved the aforementioned administrative complaints. Paragraph 1(a) of the Consent Order required Dr. Ammirata for a period of five years to complete 450 hours of continuing education in such areas of dental practice to be determined by the Board each year at the

rate of at least 2 days per week and not less than a minimum average of 10 hours per week. Such courses were to be approved by the Board prior to enrollment. The respondent further was required to obtain documentation of his satisfactory attendance at and completion of such courses to be provided to the Board at the end of each month within which the course was completed.

6. The Order of May 4, 1988, further provided in paragraph 10 that in the event the respondent was found to have violated any of the provisions of the Consent Order, his license to practice dentistry in the State of New Jersey would be revoked.

7. On or about February 5, 1992, an Order to Show Cause was signed by William R. Cinotti, D.D.S., President of the Board of Dentistry, ordering the respondent to show cause on April 15, 1992 why the Board should not enter an Order suspending his license pending a final hearing based on the allegations of the Verified Complaint and attachments which are the subject of this Order.

8. On April 15, 1992, respondent appeared with counsel, Jeffrey P. Blumstein, Esq. The Board determined to bifurcate the allegations of the complaint, retaining Counts I, II and III for a hearing before the Board and transferring Count IV for a hearing at the Office of Administrative Law. The Board entered an Order on the record establishing June 10, 1992 as the date for the plenary hearing on Counts I, II and III. The Board further established with counsel a schedule of discovery and any pre-

trial motions. Shortly thereafter, an answer was filed by Mr. Blumstein on behalf of Dr. Ammirata.

9. On May 6, 1992, a Motion to Withdraw as Counsel was filed by Jeffrey P. Blumstein, Esq. requesting the Board to enter an Order granting leave to Mr. Blumstein to withdraw as counsel for Dr. Ammirata. Said motion was supported by a certification by Mr. Blumstein in which he asserted that in spite of correspondence and repeated phone calls to Dr. Ammirata requesting a meeting in order to prepare for the plenary hearing, Dr. Ammirata failed to contact Mr. Blumstein to discuss the matter. The certification further sets forth the chronology of Mr. Blumstein's repeated efforts including telephone messages which were left for Dr. Ammirata. Finally, Mr. Blumstein advised the Board that he was of the opinion that as a result of the non-cooperation of the respondent to assist in his defense, he could not provide adequate representation.

10. On May 20, 1992, the Board entered an Order permitting withdrawal of counsel and further ordering that the plenary hearing regarding Counts I, II and III of the complaint as scheduled on June 10, 1992, at 9:00 a.m. before the Board of Dentistry would take place without further adjournment and that Dr. Ammirata's further failure to obtain counsel would not be cause for adjournment of the hearing.

11. On May 22, 1992, Dr. Ammirata was personally served with a copy of the Order permitting withdrawal of counsel and

setting forth the hearing date.

12. On June 10, 1992, Dr. Ammirata failed to appear for the plenary hearing. The Board office received a telephone call from a physician stating that Dr. Ammirata was too ill to attend. Written confirmation was requested but was never received. After hearing the complainant's case, the Board entered an Interim Order on June 10, 1992, ordering a certification from the physician expressing his medical opinion that Dr. Ammirata was not fit to attend the hearing and continuing the hearing until June 17, 1992, at 9:00 a.m. before the Board to permit Dr. Ammirata to enter a defense to the allegations of the complaint. The Order further provided that a final decision would be rendered on June 17, 1992, if Dr. Ammirata failed to appear.

13. On June 10, 1992, Jean E. Murphy, Supervising Investigator, Division of Consumer Affairs Enforcement Bureau, made a telephone call to the office of Dr. Ammirata utilizing a fictitious name and was able to make an appointment for dental treatment on that same date.

14. On June 11, 1992, Dr. Ammirata was personally served with a copy of the Board's Interim Order.

15. Dr. Ammirata has completed only 303 hours of the 450 hours of continuing education for the 1988-1989 academic year required by the Consent Order entered into by Dr. Ammirata on May 4, 1988. Respondent further failed to complete any continuing education courses for the 1989-1990 and 1990-1991 academic years.

#### CONCLUSIONS OF LAW

1. Dr. Ammirata received sufficient notice of the charges against him and was afforded every possible opportunity to be heard on those charges.

2. Respondent's failure to complete the continuing education ordered for the 1988-1989 academic year as required by the Board's Order of May 4, 1988 constitutes professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

3. Respondent's failure to complete the continuing education prescribed for the 1989-1990 academic year as required by the Board's Order further constitutes professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

4. Respondent's failure to complete the continuing education prescribed for the 1990-1991 academic year as required by the Board's Order further constitutes professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

#### DISCUSSION

As competently demonstrated by the testimony and the documents entered into evidence at the hearing in this matter, Dr. Ammirata has repeatedly and totally failed or refused to comply with the specific terms and conditions of the Consent Order which he signed which required him to successfully complete 450 hours of continuing education courses for each of 5 years. As a general rule, the Board of Dentistry will assess continuing education courses against those licensees who have demonstrated a

deficiency in competency in one or more areas of dentistry in amounts ranging anywhere from 7 hours to 40 hours of approved continuing education. It is clear from the history of Dr. Ammirata's appearances before the Board dating back to the Order entered on December 5, 1980, that the Board intended a massive re-education of Dr. Ammirata. The multiple patient complaints which have been received by this Board over the last 12 years showing repeated and gross negligence in all areas of dentistry persuade this Board that the respondent is not competent to remain in practice.

In spite of repeated efforts by the Board for remediation, Dr. Ammirata has refused to engage in re-education. His actions completely obstruct and frustrate the Board's ability to carry out its statutory duty to protect the public. His failure to comply with the Board's prior Orders evidence a pattern of neglect of his patients' health, safety and welfare. The Board infers further from Dr. Ammirata's failure to respond or appear in regard to the instant allegations that he has no explanation or excuse for his failure to comply with the Board's requirements.

The Board can neither countenance Dr. Ammirata's flouting of its regulatory authority nor ignore the harm or significant potential for harm to patients presented if Dr. Ammirata was permitted to remain in practice. Dr. Ammirata was well aware that the Order entered on May 4, 1988, provided that in the event

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he failed to comply with the Order, the Board would revoke his license.

The Board is charged with the regulation of its licensees for the purpose of protecting the patients who seek dental services in this State. The requirement of the Order that respondent complete continuing education courses was based on the seriousness of the charges in the complaint and the Board's judgment that only such a massive program of re-education would provide respondent with the ability to continue treating dental patients. Consequently, and for the foregoing reasons,

IT IS ON THIS 27<sup>th</sup> DAY OF JUNE, 1992,

HEREBY ORDERED THAT:

1. A default be and is hereby entered against Anthony V. Ammirata, D.D.S.

2. The license of Anthony V. Ammirata, D.D.S. to practice dentistry in the State of New Jersey is hereby revoked effective July 22, 1992.


3. Dr. Ammirata shall remove and dispose of any and all dental equipment, appliances, tools, instruments, medications, or dental products which are in his possession at any location. He shall sell or dispose of all such items through a legitimate dealer in dental supplies or to a New Jersey licensed dentist. Dr. Ammirata shall submit to the Board bills of sale, receipts or other documentation verifying the disposal of all such items no later than 30 days subsequent to the effective date of the

revocation.

4. During the period of time in which respondent's dentistry license remains revoked, he shall not own or otherwise maintain a pecuniary or beneficial interest in a dental practice or function as a manager, proprietor, operator or conductor of a place where dental operations are performed, or otherwise practice dentistry within the meaning of N.J.S.A. 45:6-19.

5. The respondent shall surrender his wall certificate and dental license as well as his D.E.A. and C.D.S. registrations to a representative of the Enforcement Bureau immediately subsequent to the effective date of the revocation.

6. The Board may entertain an application from the respondent for reconsideration of the within Order for a period of 30 days from June 17, 1992, only upon a written proffer of a legitimate and valid defense to the allegations of the complaint. Upon receipt of such application for reconsideration, the Board may provide the respondent with an opportunity to be heard and present such defenses. No application for reconsideration will be considered after the 30 day period, and the revocation will become finally effective on July 22, 1992.

  
William R. Cinotti, D.D.S.  
President  
State Board of Dentistry



CERTIFIED TRUE COPY

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY  
DOCKET NO.

In the Matter of the Suspension)  
or Revocation of the License of )

Administrative Action

ANTHONY V. AMMIRATA, D.D.S. )

ORDER

To Practice Dentistry in the )  
State of New Jersey )

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This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of an application for reconsideration of the Board's Partial Decision and Final Order entered June 27, 1992, filed on behalf of the respondent by John Paul Dizzia, Esq. and received by the Board on July 21, 1992. The Board's Order revoked the license of the respondent to practice dentistry effective July 22, 1992. However, the Order also permitted an application from the respondent for reconsideration until July 17, 1992, and only upon a written proffer of a legitimate and valid defense to the allegations of the underlying complaint.

A letter response to the respondent's application for reconsideration was filed on behalf of the Attorney General by Anne Marie Kelly, Deputy Attorney General. The Board considered the matter at its meeting of July 22, 1992, and rendered a decision on this same date.

DISCUSSION

As a preliminary matter, respondent's application to the Board for reconsideration was not timely in that it was clearly

filed beyond the deadline of July 17, 1992, set forth in the Board's Order entered on June 27, 1992. Nevertheless, the Board determined to review the respondent's written proffer of a legitimate defense to the allegations of the complaint which were submitted on his behalf by newly retained counsel.

The Board is not persuaded that respondent's total failure to communicate with the Board on the scheduled hearing dates and his continuing failure to communicate with the Board subsequent to each of those hearing dates to determine what had occurred in relation to his own case and/or to provide explanations for his failure to appear is inexcusable.

In regard to the first hearing date on this matter scheduled for June 10, 1992, the Board finally has received a letter from Ned M. Weiss, M.D. attached to respondent's application for reconsideration received by the Board on July 21, 1992, stating that the respondent appeared in Dr. Weiss' office and was ill on June 10, 1992. Although the Board acknowledges that the respondent probably was ill on that morning, the respondent never personally contacted the Board on that day or any day thereafter. The Board finds this failure to appear and failure to communicate with the Board to be without excuse especially in view of the fact that he was personally served on June 11, 1992, with the Board's Interim Order requesting medical records and scheduling a further hearing on June 17, 1992. The Board also finds respondent's claim that he was too ill to respond in any way on June 10, 1992, highly disingenuous in view of the fact that he was prepared to schedule a dental appointment on this same date

for an Enforcement Bureau investigator who called him for an appointment under a fictitious name.

The Board also acknowledges that the respondent was unable to appear for the hearing on June 17, 1992, as a result of his hospitalization the night before. However, he totally failed to advise the Board of the reason for his failure to appear on that day or any day thereafter in spite of the fact that he was personally served with the Board's Order revoking his license effective July 22, 1992, and setting forth a July 17, 1992 deadline for application for reconsideration.

In view of the fact, however, that respondent has made a colorable showing of a legitimate defense to the allegations of the complaint as set forth in Counts I, II and III concerning the completion of required continuing education, the Board has determined to provide the respondent with an opportunity to be heard on these issues. However, the Board will not countenance any further delay in the resolution of this matter for any reason whatsoever. Consequently, and for the foregoing reasons,

IT IS ON THIS *2nd* DAY OF *Aug.*, 1992,  
HEREBY ORDERED THAT:


1. The terms of the Board's Order entered on June 27, 1992, shall be stayed until August 26, 1992.

2. On August 26, 1992, a peremptory hearing shall be scheduled in order to provide the respondent with an opportunity to set forth his defense to the allegations of the complaint. The Executive Director of the Board shall provide notice to the parties in regard to the location and hour for the hearing.

There shall be no further adjournment for any reason, and the Board shall finally consider this matter on this date with or without the appearance of the respondent and whether or not he has retained counsel.

3. It shall be the responsibility of the respondent to obtain the transcripts of the hearings which took place on June 10 and 17, 1992, on an expedited basis if necessary, and at his own expense. It also shall be the responsibility of the respondent to obtain copies of the documentary evidence submitted to the Board for the State's case on those hearing dates.

4. The parties shall be expected to take whatever steps are necessary in advance of the hearing scheduled for August 26, 1992, in order to exchange documents, enter into stipulations, and compile fully documented proof of the completion of continuing education as asserted by the respondent.

  
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William R. Cinotti, D.D.S.  
President  
State Board of Dentistry